

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Seattle
FILE NUMBER: 200600772

REGULATORY PROJECT MANAGER: Randel Perry **Date:** 10/3/06

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office** _Y_ (Y/N) **Date:** _____
At the project site _Y_ (Y/N) **Date:** 7/21/06

PROJECT LOCATION INFORMATION:

State: Washington
County: King
Center coordinates of site by latitude & longitudinal coordinates: Lat 47° 17' 40.9" Long. 122° 14' 53.3"
Approximate size of site/property (including uplands & in acres): 7 acres
Name of waterway or watershed: Mill Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary** __ **Or** **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD: The 7.06-acre subject site is located on the southern boundary of the City of Auburn and is roughly square in shape, with portions extending north and east. The site is bounded by commercially developed property to the east, 15th Street Southwest and a mitigation area (wetland A) to the north, Boundary Boulevard to the south, and O Street to the west. Wetland D is surrounded by uplands with no discrete surface water connection to other waters of the U. S. The Corps has determined that wetland D was a part of the wetland B/C complex prior to 1988, but changes on surrounding properties (fill and development) appear to have altered hydrological conditions. Wetland D is considered isolated and does not fall under Section 404 jurisdiction.

On-site wetlands B, and C are adjacent to unnamed tributaries of Mill Creek, which drains into the Green River, which flows into the Duwamish River, a listed navigable waterway used for interstate and foreign commerce. Wetlands B and C are jurisdictional waters of the U. S.